

REMARKS

Brief Summary of the Disposition of Case

In response to the RCE/Amendment filed on September 30, 2008, the Examiner has issued yet another Office Action. The Examiner maintains the prior art rejections over the combination of Hinden et al (RFC 2373, "IP Version 6 Addressing Architecture") and Marttinen et al. (U.S. Patent No. 6,222,853). The Examiner also maintains the previous provisional double patenting rejection. Claims 1 and 4-9 are all the claims pending in the application.

Specifically, claims 1, 4, and 5 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-4 and 5-6 of co-pending Application No. 10/675,953, hereinafter App'953.

Claims 1 and 4-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinden in view of Marttinen.

Provisional Obviousness-Type Double Patenting Rejections - Claims 1, 4, and 5

Claims 1, 4, and 5 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-4 and 5-6 of App '953.

In response, Applicant respectfully requests that the Examiner hold this rejection in abeyance until one or the other of the two pending applications issues as a patent. Specifically, according to MPEP § 804 I.B., if a provisional double patenting rejection in one application is the only rejection remaining, then the Examiner should withdraw the provisional rejection and permit that application to issue as a patent, thereby converting the provisional double patenting rejection in the other application, e.g., the App'953 application, into a bona fide double patenting rejection at the time the one application issues as a patent. Thus, if all other claim rejections are withdrawn in the present application, claims 1, 4, and 5 should be found allowable and the present application should be permitted to issue as a patent.

§103(a) Rejections (Hinden / Marttinen) - Claims 1 and 4-9

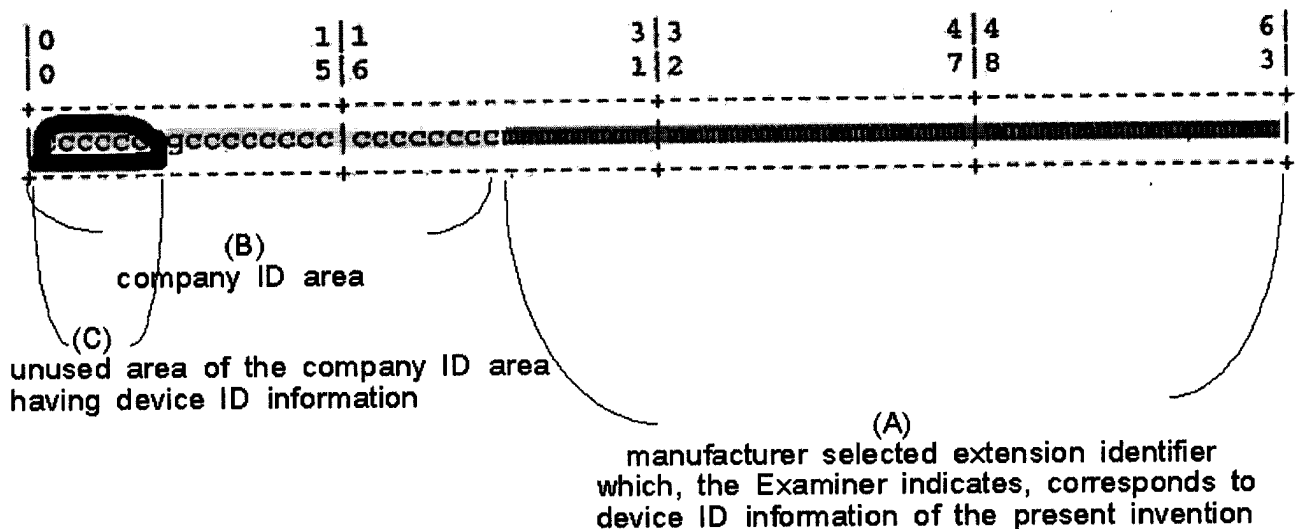
Applicant submits that the Examiner has not addressed each and every feature of the claimed invention.

Specifically, Applicant submits the following arguments in support of patentability of the claimed invention.

That is, Applicant submits that device ID information of exemplary embodiments of the claimed invention can be arranged in unused area (C) among the company ID area (B). However, the part which the Examiner alleges corresponds to the claimed device ID information is the manufacturer selected extension identifier (A). As seen from the Figure herein below, (C) is absolutely different from extension identifier (A). Applicants do not understand why the Examiner thinks that (C) is the same as (A).

The claimed invention can use a part of a company ID area (B), i.e., the unused area in the company ID area (B) to represent device ID information, but the applied art does not disclose using the unused area among the company ID area (B) to represent device ID information.

Figure:



Further, Applicant submits that the Examiner is obviously utilizing impermissible hindsight reasoning in concluding that the general concept of the teachings of the applied art

would render the claimed invention obvious, and that the above-discussed features are simply a matter of design choice. Nowhere does the applied art even mention, "identifying the devices using device ID information for identifying types of the devices recorded in the device ID area, and unique number assigned to the devices recorded in the serial number area," and "wherein the device ID area is located between the company ID area and the serial number area." Therefore, the conclusion of the Examiner that simply because the applied art allegedly shows a company idea area and a manufacturer selected extension identifier does not render the specific features of "identifying the devices using device ID information for identifying types of the devices recorded in the device ID area, and unique number assigned to the devices recorded in the serial number area," and "wherein the device ID area is located between the company ID area and the serial number area," as being satisfied.

Further, on pages 5-6 of the Office Action, the Examiner alleges, in part:

To further clarify, Hinden discloses the EUI-64 format, as well as the general format of an IPv6 network address, as well as using a portion of the address as an area for a serial number. It has been mapped in the pending Office Action where in Hinden these items can be found. The Examiner admits that Hinden does not disclose an area for identifying a type of device. However, Marttinen teaches the use of an area in an address to identify a type of the device. The combination of Hinden and Marttinen does not specifically teach where in the address the field containing the device should be however, this is an obvious design choice to one of ordinary skill in the art because the placement of the field within one byte or another of the address does not provide unexpected results.

In response, Applicant submits that the Examiner has failed to support his assertion with factual evidence or a persuasive line of reasoning. The Examiner's characterization of the claimed limitation as "an obvious design choice" is merely an unsupported, generalized conclusion, and not a reason or showing, as required to support the rejection. Producing of unexpected results is only one of many factors that can be used to determine obviousness or non-

obviousness, thus the Examiner's conclusion that the above-discussed feature is obvious based on a consideration of only one of many factors should not be dispositive.

As such, the Examiner is requested to supply appropriate objective factual support or to withdraw the rejection.

At least based on the foregoing, Applicant submits that independent claims 1 and 4 are patentably distinguishable over the applied references, either alone or in combination.

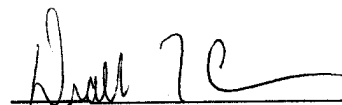
Applicant submits that dependent claims 5-9 are patentable at least by virtue of their respective dependencies from independent claims 1 and 4.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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